

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

WAYNE COUNTY EMPLOYEES')	
RETIREMENT SYSTEM,)	
Individually and On Behalf of All)	
Others Similarly Situated,)	
)	
Plaintiff,)	
)	
v.)	Civ. No. 18-1229-CFC
)	
MAVENIR, INC., F/K/A XURA,)	
INC., PHILLIPE TARTAVULL,)	
HENRY R. NOTHHAFT, SUSAN D.)	
BOWICK, JAMES BUDGE,)	
NICCOLO DE MASI, MATTHEW)	
A. DRAPKIN, DORON INBAR and)	
MARK C. TERRELL,)	
)	
Defendants.)	

ORDER

WHEREAS, the Magistrate Judge issued a Report and Recommendation,
D.I. 79;

WHEREAS, the Magistrate Judge recommended in the Report and
Recommendation that the Court grant Defendants' motions to dismiss *without*
prejudice, D.I. 79 at 22;

WHEREAS, the Magistrate Judge had the authority to make her
recommendation under 28 U.S.C. § 636(b)(1)(B) and this Court reviews her

recommendations de novo, § 636(b)(1); see also Fed. R. Civ. P. 72(b)(3); *Brown v. Astrue*, 649 F.3d 193, 195 (3d Cir. 2011);

WHEREAS, Plaintiffs filed objections to the Report and Recommendation (D.I. 83);

WHEREAS, the Court has reviewed the Report and Recommendation, Plaintiffs' objections, Defendants' response (D.I. 85), and the briefing filed in support of and opposition to the motions to dismiss;

WHEREAS, the Court concludes that the Magistrate Judge's Report and Recommendation should be adopted for the reasons stated by the Magistrate Judge in her Report and Recommendation; and

WHEREAS, Plaintiffs can file a further amended complaint;

NOW THEREFORE, at Wilmington this Twenty-fifth day of March in 2021, IT IS HEREBY ORDERED that

1. The Magistrate Judge's Report and Recommendation (D.I. 79) is

ADOPTED;

2. Plaintiffs' Objections (D.I. 83) are OVERRULED;

3. Defendants' motions to dismiss (D.I. 65; D.I. 67) are GRANTED;

4. The Amended Complaint (D.I. 60) is DISMISSED without prejudice;

and

5. Plaintiffs shall file a further amended complaint no later than April 30, 2021.


United States District Judge